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| Robert D. Shedd Thomson Licensing LLC PO Box 5312 PRINCETON, NJ 08543-5312 | | | EXAMINER KHAN, MEHMOOD B | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/552,501

Applicant(s)

CAREEL ET AL.

Examiner

MEHMOOD B. KHAN

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10/09/2008 have been fully considered but they are not persuasive.

Applicant argues on page 10 that "Since neither Andreason nor Postma discuss the pending Claim 1 element of "wherein the first telecommunications device is controlled from the second telecommunications device and an outgoing call of the local communication network is sent either to the first public network by means of the first telecommunications device, or to the second public network", then the combination of Andreason and Postma cannot render obvious pending Claim 1 and dependent Claims 2-12 under 35 U.S.C. §103(a) per MPEP §2143.03 because all elements are not taught or suggested by the combination. Thus, Applicant respectfully submits that pending Claims 1-12 patently define over the combination of Andreason and Postma".

The Examiner respectfully disagrees. Andreason discloses wherein the first telecommunications device is controlled from the second telecommunications device **(0041, 0056, where Andreason discloses a call is made from the stationary terminal via the mobile phone)** and an outgoing call of the local communication network is sent [either] to the first public network by means of the first telecommunications device **(0040, 0056, where Andreason discloses sending the call using the mobile network)**, [or to the second public network]. Thus the claimed limitations have been met.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andreason et al. (US 2003/0008612 herein Andreason) in view of Postma et al. (US 2002/0172336 herein Postma).

Claims 1 and 13, Andreason discloses a telecommunications method/system (0001), Andreason discloses using at least one first telecommunications device that is adapted for radio communication with a first public network according to a first radiocommunication protocol (0008, where Andreason discloses a mobile telephone and a mobile radio telephony network), Andreason discloses a method in which the first telecommunications device is made to communicate locally with at least a second telecommunications (0008, 0036, Fig. 1: S1, PSTN, where Andreason discloses a stationary telephony terminal, and a wireless communication link), the first and second telecommunications devices thus belonging to a local communication network (0008, 0036, where Andreason discloses a Bluetooth communication between devices), wherein the first telecommunications device is controlled from the second telecommunications device and an outgoing call of the local communication network is sent either to the first public network by means of the first telecommunications device, or to the second public network.

Andreason does not disclose a second telecommunications device that is itself adapted for communicating with a second public network.

In an analogous art, Postma discloses a second telecommunications device that is itself adapted for communicating with a second public network **(0105, Fig. 1: 200, 320, where Postma discloses a base unit in communication with a separate network)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Andreason to include communication with a separate network as taught by Postma so as to avoid airtime usage **(0105)**.

Claims 2 and 14, Andreason does not disclose in which a user is required to choose between the transmission of the outgoing call by the first public network and by the second public network.

In an analogous art, Postma discloses in which a user is required to choose between the transmission of the outgoing call by the first public network and by the second public network **(0111, where Postma discloses overriding routing of calls)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Andreason to include automation of call selection as taught by Postma so as to provide ease of use to the user.

Claims 3 and 15, Andreason does not disclose in which an automatic choice is determined between the transmission of the outgoing call by the first public network and by the second public network.

In an analogous art, Postma discloses in which an automatic choice is determined between the transmission of the outgoing call by the first public network and

by the second public network **(0081, 0110, where Postma discloses calling based on the contact information and automating routing capabilities)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Andreason to include routing selection as taught by Postma so as to provide a more flexible choice for call selection.

Claims 4 and 16, Andreason does not disclose an outgoing call transmission is automatically chosen by the second network, except if the communication with the said second network is unavailable.

In an analogous art, Postma disclose Andreason does not disclose an outgoing call transmission is automatically chosen by the second network, except if the communication with the said second network is unavailable **(Fig. 16: 1302, 1306)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Andreason to include communication with a separate network as taught by Postma so as to avoid airtime usage **(0105)**.

Claims 5 and 17, Andreason does not explicitly disclose a user is required to validate the automatic choice.

Postma discloses a user is required to validate the automatic choice **(0111, where Postma discloses manual selection and overriding routing of calls)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Andreason to include automation of call selection as taught by Postma so as to provide ease of use to the user.

Claims 6 and 18, Andreason discloses the local communication network is a local radio network comprising a fixed base linked to at least one local network terminal communicating with the base according to a second radiocommunication protocol **(0008, Fig. 1: S1, M3, where Andreason discloses a local terminal able to communicate with the base with Bluetooth)**, Andreason discloses the second telecommunications device is the base **(Fig. 1: S1)**.

Andreason does not disclose a fixed base linked with the second public network.

In an analogous art, Postma discloses a fixed base linked with the second public network **(Fig 1: 200, 320)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Andreason to include communication with a separate network as taught by Postma so as to avoid airtime usage **(0105)**.

Claims 7 and 19, Andreason discloses the first telecommunications device is made to communicate with the second telecommunications device according to the said second radiocommunication protocol **(0036, where Andreason discloses Bluetooth)**.

Claims 8 and 20, Andreason discloses in which the said radiocommunication protocol "BLUETOOTH" **(0036, where Andreason discloses Bluetooth)**.

Claims 9 and 21, Andreason discloses the first public network is a cellular radiocommunication network **(Fig.1 : MTN1, where Andreason discloses a mobile radio telephony network)**.

Andreason does not disclose the second public network is a switched telephone network.

In an analogous art, Postma discloses the second public network is a switched telephone network **(0105, Fig. 1: 320, where Postma discloses a telephone network)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Andreason to include communication with a separate network as taught by Postma so as to avoid airtime usage **(0105)**.

Claim 10, Andreason does not explicitly disclose an identification stage during which it is determined whether the first telecommunications device is connected to the second telecommunications device, and a routing stage during which, when it has been determined that the first telecommunications device is connected to the second telecommunications device, an incoming call is routed to the first telecommunications device, when the said incoming call is normally intended to be routed to the local switched network by the second public network and when the said local communication network is unavailable to receive this incoming call.

Postma discloses an identification stage during which it is determined whether the first telecommunications device is connected to the second telecommunications device **(Fig. 14: 1302)**, Postma discloses a routing stage during which, when it has been determined that the first telecommunications device is connected to the second telecommunications device, an incoming call is routed to the first telecommunications device, when the said incoming call is normally intended to be routed to the local switched network by the second public network and when the said local communication network is unavailable to receive this incoming call **(Fig. 14: 1304, 1308, 1310)**.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Andreason to include re-routing of incoming calls as taught by Postma so as to ensure completion of the call to the user.

Claim 11, Andreason does not disclose an identification stage during which it is determined whether the first telecommunications device is connected to the second telecommunications device (**Fig. 14: 1302**), Postma discloses a routing stage during which, when it has been determined that the first telecommunications device is connected to the second telecommunications device, an incoming call normally intended to set up a link with the first telecommunications device, is routed to the local communication network by means of the second public network (**Fig. 14: 1306**). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Andreason to include communication with a separate network as taught by Postma so as to avoid airtime usage (**0105**).

Claim 12, Andreason does not explicitly disclose at least the first telecommunications device comprises a telephone phonebook, and this telephone phonebook is made accessible by means of the second telecommunications device.

In an analogous art, at least the first telecommunications device comprises a telephone phonebook, and this telephone phonebook is made accessible by means of the second telecommunications device (**0076, where Postma discloses transfer of updated contact information**). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Andreason to

include contact information transfer as taught by Postma so as to migrate any changes in information or new information **(0078)**.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MEHMOOD B. KHAN whose telephone number is (571)272-9277. The examiner can normally be reached on Monday - Friday 8:30 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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/Mehmood B. Khan/
Examiner, Art Unit 2617

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617